

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0535.01 Jed Franklin x5484

HOUSE BILL 24-1244

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A BILL FOR AN ACT

101 **CONCERNING THE CIRCUMSTANCES UNDER WHICH AN AUTOPSY**
102 **REPORT PREPARED IN CONNECTION WITH THE DEATH OF A**
103 **MINOR MAY BE RELEASED TO CERTAIN PARTIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill specifies that an autopsy report prepared in connection with the death of a minor is confidential and may be disclosed by the county coroner to another person or entity only in accordance with certain exceptions.

Under the bill, the coroner or the coroner's designee may only

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
March 25, 2024

HOUSE
Amended 2nd Reading
March 22, 2024

provide a copy of the autopsy report prepared in connection with the death of a minor to:

- A parent or legal guardian of the deceased;
- A law enforcement or criminal justice agency;
- A requesting party in a civil case;
- Counsel for the defendant or the respondent for discovery purposes in a criminal case;
- A law enforcement agency that is investigating the death;
- A state, local, or regional child fatality prevention review team;
- The Colorado department of public health and environment as necessary for the collection of data in accordance with the Colorado violent death reporting system;
- The Colorado child fatality review team;
- A county department of human or social services;
- The division of youth services in the Colorado department of human services;
- A health-care facility where the deceased had received treatment;
- A community clinic or a treating hospital for inclusion within the medical records of the deceased;
- An eye bank, organ procurement organization, or a tissue bank;
- A local or regional domestic violence fatality review team;
- The Colorado department of human services in connection with the investigation of a fatality that has occurred within any facility licensed under the "child care licensing act";
- The office of the child protection ombudsman; or
- A health-care provider that had previously established a patient-provider relationship with the deceased.

Upon written request, the coroner shall not release a copy of the autopsy report and instead shall release the cause, time, place, and manner of the minor's death and the age, gender, and race or ethnicity of the deceased minor. This information must be released within 3 days of the request or 3 days of receiving the information, whichever is later.

Under the bill, any person may petition a district court to allow the person access to an autopsy report prepared in connection with the death of a minor. The district court shall provide access if:

- Public disclosure of the report substantially outweighs the harm to the privacy interests of the deceased and members of the family of the deceased; and
- The information sought by the petitioner is not otherwise publicly available.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-10-606.7 as
3 follows:

4 **30-10-606.7. Autopsy reports - death of a minor - confidential**
5 **- exceptions - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "AUTOPSY REPORT" MEANS THE REPORT OF THE CORONER OR
8 THE CORONER'S DESIGNEE ON THE POST-MORTEM EXAMINATION OF A
9 DECEASED INDIVIDUAL TO DETERMINE THE CAUSE OR MANNER OF DEATH,
10 INCLUDING ANY WRITTEN ANALYSIS, DIAGRAM, PHOTOGRAPH, OR
11 TOXICOLOGICAL TEST RESULTS.

12 (b) "MINOR" MEANS A PERSON UNDER THE AGE OF EIGHTEEN
13 YEARS.

14 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
15 AUTOPSY REPORT PREPARED IN CONNECTION WITH THE DEATH OF A MINOR
16 IS NOT A PUBLIC RECORD AS DEFINED IN PART 2 OF ARTICLE 72 OF TITLE 24.

17 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(a) OF
18 THIS SECTION, UPON WRITTEN REQUEST OF ONE OF THE INDIVIDUALS OR
19 ENTITIES SPECIFIED IN THIS SUBSECTION (2)(b), THE CORONER OR THE
20 CORONER'S DESIGNEE SHALL PROVIDE A COPY OF THE AUTOPSY REPORT
21 PREPARED IN CONNECTION WITH THE DEATH OF A MINOR ONLY TO SUCH
22 REQUESTING INDIVIDUAL OR ENTITY. SUCH INDIVIDUALS OR ENTITIES ARE
23 AS FOLLOWS:

24 (I) A PARENT OR LEGAL GUARDIAN OF THE DECEASED IF THE
25 PARENT OR LEGAL GUARDIAN SUBMITS A COPY OF A WRITTEN REQUEST TO
26 THE CORONER FOR A COPY OF THE REPORT AND AN AFFIDAVIT, SIGNED BY
27 THE PARENT OR LEGAL GUARDIAN UNDER THE PENALTY OF PERJURY,

1 VERIFYING THE PARENT'S OR LEGAL GUARDIAN'S RELATIONSHIP TO THE
2 DECEDENT;

3 (II) A LAW ENFORCEMENT OR CRIMINAL JUSTICE AGENCY,
4 INCLUDING A DISTRICT ATTORNEY, THAT IS EITHER INVESTIGATING THE
5 DEATH OR PROSECUTING A CRIMINAL VIOLATION ARISING OUT OF THE
6 DEATH UPON THE REQUEST OF THE LAW ENFORCEMENT OR CRIMINAL
7 JUSTICE AGENCY, INCLUDING A DISTRICT ATTORNEY;

8 (III) A REQUESTING PARTY IN A CIVIL CASE WHERE THE MOVING
9 PARTY DEMONSTRATES TO THE COURT THAT THE AUTOPSY REPORT IS
10 DISCOVERABLE IN ACCORDANCE WITH RULE 26 (b)(1) OF THE COLORADO
11 RULES OF CIVIL PROCEDURE, UPON THE ENTRY OF A SPECIFIC ORDER OF THE
12 COURT AUTHORIZING DISCLOSURE OF THE AUTOPSY REPORT, AND IN
13 ACCORDANCE WITH ANY PROTECTIVE ORDER NECESSARY TO LIMIT
14 DISCLOSURE OF THE IDENTITY OF THE DECEASED AND OTHER IDENTIFYING
15 PERSONAL INFORMATION;

16 (IV) COUNSEL FOR THE DEFENDANT, OR THE DEFENDANT IF THE
17 DEFENDANT IS NOT REPRESENTED BY COUNSEL, FOR DISCOVERY PURPOSES
18 IN A CRIMINAL CASE UPON THE ENTRY OF A SPECIFIC ORDER OF THE COURT
19 AUTHORIZING DISCLOSURE OF THE AUTOPSY REPORT IN ACCORDANCE WITH
20 RULE 16 OF THE COLORADO RULES OF CRIMINAL PROCEDURE ONLY IF
21 DISCOVERY HAS NOT OTHERWISE BEEN PROVIDED TO COUNSEL OR THE
22 DEFENDANT AND IN ACCORDANCE WITH ANY PROTECTIVE ORDER
23 NECESSARY TO LIMIT DISCLOSURE OF THE IDENTITY OF THE DECEASED AND
24 OTHER PERSONALLY IDENTIFYING INFORMATION;

25 (V) A STATE CHILD FATALITY PREVENTION REVIEW TEAM
26 ESTABLISHED PURSUANT TO SECTION 25-20.5-406 OR A LOCAL OR
27 REGIONAL CHILD FATALITY PREVENTION REVIEW TEAM ESTABLISHED

1 PURSUANT TO SECTION 25-20.5-404 UPON THE REQUEST OF THE
2 APPLICABLE REVIEW TEAM;

3 (VI) THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND
4 ENVIRONMENT AS NECESSARY FOR THE COLLECTION OF DATA IN
5 ACCORDANCE WITH THE NATIONAL VIOLENT DEATH REPORTING SYSTEM
6 AND THE COLORADO UNINTENTIONAL DRUG OVERDOSE REPORTING
7 SYSTEM;

8 (VII) THE COLORADO CHILD FATALITY REVIEW TEAM, AS DEFINED
9 IN SECTION 26-1-139 (2)(e), UPON THE REQUEST OF THE REVIEW TEAM;

10 (VIII) A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES IN
11 CONNECTION WITH THE INVESTIGATION OF AN INCIDENCE OF ALLEGED
12 ABUSE OR NEGLECT OF A MINOR;

13 (IX) THE DIVISION OF YOUTH SERVICES IN THE DEPARTMENT OF
14 HUMAN SERVICES IN CONNECTION WITH THE INVESTIGATION OF A
15 FATALITY THAT HAS OCCURRED WITHIN A STATE-OWNED OR -OPERATED
16 FACILITY;

17 (X) A HEALTH-CARE FACILITY THAT IS LICENSED OR CERTIFIED IN
18 ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 3 OF TITLE 25 AT
19 WHICH FACILITY THE DECEASED HAD PREVIOUSLY RECEIVED TREATMENT;

20 (XI) A COMMUNITY CLINIC, AS DEFINED IN SECTION 25-1.5-103
21 (2)(a.5), OR A TREATING HOSPITAL FOR INCLUSION WITHIN THE MEDICAL
22 RECORDS OF THE DECEASED;

23 (XII) AN EYE BANK, AN ORGAN PROCUREMENT ORGANIZATION, OR
24 A TISSUE BANK, AS THOSE TERMS ARE DEFINED IN SECTION 15-19-202 (10),
25 (16), AND (31), RESPECTIVELY;

26 (XIII) A LOCAL OR REGIONAL DOMESTIC VIOLENCE FATALITY
27 REVIEW TEAM, AS DEFINED IN SECTION 24-31-701 (4), OR THE COLORADO

1 DOMESTIC VIOLENCE FATALITY REVIEW BOARD CREATED IN SECTION
2 24-31-702 (1) UPON THE REQUEST OF A TEAM OR THE BOARD, AS
3 APPLICABLE;

4 (XIV) THE COLORADO DEPARTMENT OF HUMAN SERVICES IN
5 CONNECTION WITH THE INVESTIGATION OF A FATALITY THAT HAS
6 OCCURRED WITHIN ANY FACILITY THAT IS LICENSED UNDER THE "CHILD
7 CARE LICENSING ACT", PART 3 OF ARTICLE 5 OF TITLE 26.5;

8 (XV) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN
9 ESTABLISHED IN SECTION 19-3.3-102 (1)(a);

10 (XVI) A HEALTH-CARE PROVIDER LICENSED IN ACCORDANCE WITH
11 THE REQUIREMENTS OF TITLE 12 THAT HAD PREVIOUSLY ESTABLISHED A
12 PATIENT-PROVIDER RELATIONSHIP WITH THE DECEASED;

13 (XVII) THE COLORADO MATERNAL MORTALITY REVIEW
14 COMMITTEE CREATED IN SECTION 25-52-104 (1) FOR THE PURPOSE OF
15 CONDUCTING PUBLIC HEALTH DEATH REVIEWS OF DECEASED INDIVIDUALS
16 WHO ARE PREGNANT OR WITHIN ONE YEAR POSTPARTUM;

17 (XVIII) THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND
18 ENVIRONMENT AND COUNTY PUBLIC HEALTH AGENCIES AS DESCRIBED IN
19 SECTION 25-1-506 FOR THE PURPOSE OF DATA COLLECTION AS IT RELATES
20 TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S
21 AUTHORITY UNDER SECTION 25-1.5-102 AND SUBSEQUENT BOARD OF
22 HEALTH RULES; ==

23 (XIX) THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND
24 ENVIRONMENT'S HEALTH FACILITY AND EMERGENCY MEDICAL SERVICES
25 DIVISION FOR THE PURPOSE OF HEALTH FACILITIES AND EMERGENCY
26 MEDICAL SERVICES INVESTIGATIONS; OR

27 (XX) THE PUBLIC IF THE DEATH OCCURS WHILE THE MINOR IS IN

1 THE CUSTODY OR UNDER THE SUPERVISION OF THE STATE OR A LOCAL
2 GOVERNMENT, INCLUDING A LAW ENFORCEMENT AGENCY, A DETENTION
3 FACILITY, WHILE UNDER FOSTER CARE, OR IN A PUBLIC SCHOOL.

4 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
5 SECTION, UPON WRITTEN REQUEST BY ANY INDIVIDUAL, A CORONER SHALL
6 NOT RELEASE A COPY OF THE AUTOPSY REPORT PREPARED IN CONNECTION
7 WITH THE DEATH OF A MINOR, AND SHALL INSTEAD RELEASE THE
8 FOLLOWING INFORMATION PERTAINING TO THE DEATH OF A MINOR:

- 9 (I) CAUSE OF DEATH;
- 10 (II) TIME, PLACE, AND MANNER OF DEATH;
- 11 (III) AGE, GENDER, AND RACE OR ETHNICITY OF THE DECEASED
12 MINOR; AND
- 13 (IV) NAME OF THE DECEASED MINOR.

14 (b) THE CORONER SHALL RELEASE THE INFORMATION REQUIRED IN
15 SUBSECTIONS (3)(a)(I) TO (3)(a)(III) OF THIS SECTION WITHIN THREE
16 BUSINESS DAYS OF RECEIPT OF THE WRITTEN REQUEST OR THREE BUSINESS
17 DAYS AFTER RECEIVING THE INFORMATION, WHICHEVER IS LATER. IF THE
18 INFORMATION IS INCOMPLETE WHEN RELEASED, THE CORONER SHALL
19 DISCLOSE THAT ANY MISSING INFORMATION REMAINS UNDER
20 INVESTIGATION OR IS OTHERWISE UNKNOWN.

21 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
22 SECTION, ANY PERSON MAY PETITION A DISTRICT COURT TO ALLOW THE
23 PERSON ACCESS TO AN AUTOPSY REPORT PREPARED IN CONNECTION WITH
24 THE DEATH OF A MINOR. THE PETITIONER SHALL SERVE PROCESS ON THE
25 CORONER AND DECEASED MINOR'S NEXT OF KIN PURSUANT TO THE
26 C.R.C.P. THE DISTRICT COURT SHALL HOLD A HEARING THAT INCLUDES
27 THE PETITIONER, CORONER, AND THE DECEASED MINOR'S NEXT OF KIN, IF

1 AVAILABLE. THE HEARING MUST BE CONDUCTED IN ACCORDANCE WITH
2 THE APPLICABLE RULES OF THE C.R.C.P. THAT GOVERN THE SIMPLIFIED
3 PROCEDURE FOR CIVIL ACTIONS AND SHALL NOT INCLUDE A JURY. THE
4 DISTRICT COURT SHALL GRANT THE PETITIONER ACCESS TO THE REPORT
5 UPON A FINDING THAT:

6 (I) PUBLIC DISCLOSURE OF THE REPORT SUBSTANTIALLY
7 OUTWEIGHS ANY HARM TO THE PRIVACY INTERESTS OF THE DECEASED AND
8 THE MEMBERS OF THE FAMILY OF THE DECEASED; AND

9 (II) THE INFORMATION SOUGHT BY THE PETITIONER IS NOT
10 OTHERWISE PUBLICLY AVAILABLE.

11 (b) UPON RECEIPT OF A PETITION BY PROPER SERVICE OF PROCESS,
12 A CORONER SHALL DISCLOSE THE NAME OF THE DECEASED MINOR AND THE
13 NAME AND ADDRESS OF THE DECEASED MINOR'S NEXT OF KIN FOR WHOM
14 THE AUTOPSY REPORT IS SOUGHT, IF AVAILABLE, TO THE DISTRICT COURT,
15 WHICH SHALL DISCLOSE THE NAME AND ADDRESS TO THE PETITIONER
16 UNDER A PROTECTIVE ORDER PROHIBITING THE PETITIONER FROM
17 DISCLOSING THE NAME AND ADDRESS TO ANYONE EXCEPT FOR THE
18 PURPOSE OF SERVING PROCESS TO THE DECEASED MINOR'S NEXT OF KIN
19 PURSUANT TO THIS SUBSECTION (4)(b).

20 **SECTION 2. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect January 1, 2025; except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within the ninety-day period after final adjournment of the general
25 assembly, then the act, item, section, or part will not take effect unless
26 approved by the people at the general election to be held in November
27 2024 and, in such case, will take effect January 1, 2025, or on the date of

1 the official declaration of the vote thereon by the governor, whichever is
2 later.

3 (2) This act applies to a request for an autopsy report or
4 information pertaining to the death of a minor submitted on or after the
5 applicable effective date of this act.